

UNITED STATES MARINE CORPS
Base Realignment and Closure
Marine Corps Air Station El Toro
Santa Ana, California 92709-5001

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landfil
April 28, 1998

Courtney C. Wiercioch
El Toro Master Development Program
10 Civic Center Plaza, 2nd floor
Santa Ana, California 92701

Dear Ms. Wiercioch:

In response to your April 14 letter regarding proposed landfill remediation, I am forwarding you a summary of answers to your questions. It is my hope that any questions not addressed in the enclosure can be answered in our scheduled meeting on April 30, 1998.

I am confident that you share my commitment to ensure the Marine Corps presents a Proposed Plan for landfill remediation which is protective of human health and the environment. I believe our current approach provides the LRA with the necessary flexibility in planning and supports the ability to implement their reuse plan to the greatest extent practicable.

I look forward to meeting with your staff on 30 April so that we may hear your concerns and proceed with the release of the Proposed Plan in May 1998.

Sincerely,



E. P. RITCHIE
Colonel, U.S. Marine Corps
Assistant Chief of Staff
Base Realignment and Closure

Enclosure: 1. Response to MCAS El Toro initial questions regarding
DON/USMC proposed plan for remediation landfill sites
2, 3, 5 and 17.

RESPONSE TO QUESTIONS
EL TORO LOCAL REDEVELOPMENT AUTHORITY
DRAFT FINAL PROPOSED PLAN FOR OU-2B AND -C LANDFILL SITES
MCAS EL TORO, CALIFORNIA

<p>1. Available data indicates that Sites 2 and 3 have impacted surface water. (There does not appear to be data regarding surface water impact, if any, at Sites 5 and 17.) Site 2 Remedial Investigation, p. 4-148; Site 3 Remedial Investigation, p. 4-153. What is the rationale for not monitoring surface water quality as a part of the final remedy?</p>	<p>RESPONSE 1: The results of surface water sampling at Sites 2 and 3 are illustrated on Figure 4-24 (p. 4-159) of the Site 2 Remedial Investigation (RI) report and Figure 4-15 (p. 4-151) of the Site 3 RI report. All chemicals detected were at very low concentrations. The organic chemicals detected at Site 2 and Site 3 appear to be derived from runoff upstream of the site. The metals detected in surface water samples appear to be naturally occurring metals because the concentrations upstream of the site are similar to downstream concentrations.</p> <p>Site 5 does not have any surface waters. Site 17 previously contained a drainage channel which impacted wastes. A CERCLA Removal Action was conducted during 1996-1997, which resulted in diversion of drainage around Site 17. Surface deposited wastes and wastes previously exposed were collected and recycled.</p> <p>The most significant impact to surface water observed was landfill wastes that had been eroded by Borrego Canyon Wash at Site 2. This situation was corrected by removal actions undertaken by the DoN/USMC in 1996/1997 which included removal of wastes from the stream bed and placement of riprap on stream banks.</p> <p>In addition, the DoN/USMC is currently performing stormwater monitoring at selected locations on the Station which include surface water monitoring downstream of Sites 2 and 3.</p> <p>Therefore, no surface water monitoring was included in the Proposed Monitoring Plan presented in the Feasibility Study (FS) reports because the source of chemicals was likely from upstream runoff or natural occurrences, the principal impacts were from erosion which were corrected.</p>
<p>2. Lysimeters have been installed in inclined boreholes, on the perimeter of the landfill sites. How effective will they be in monitoring leachate? What corrective action (besides additional sampling) would DoN/USMC propose to undertake if leachate is detected at any of the landfill sites following implementation of the final remedy?</p>	<p>RESPONSE 2: Lysimeters are a proven technology for monitoring leachate from landfills. For MCAS El Toro, the lysimeters were installed during the Phase II RI and water was purged from the lysimeter. However, purging of the lysimeters did not recover the same quantity of water used to install the lysimeter which was required by the Phase II RI Work Plan so no leachate samples were submitted for analysis. Based on this experience which indicates that water can be recovered from the lysimeters, sampling of the lysimeters was recommended in the Proposed Monitoring Plan in the FS</p>

**RESPONSE TO QUESTIONS
EL TORO LOCAL REDEVELOPMENT AUTHORITY
DRAFT FINAL PROPOSED PLAN FOR OU-2B AND -C LANDFILL SITES
MCAS EL TORO, CALIFORNIA**

	<p>reports.</p> <p>New lysimeters installed in inclined borings were proposed in the FS reports which would be placed near the perimeter of the landfill covers. This will allow the lysimeters to be placed beneath the landfill mass.</p> <p>The Proposed Monitoring Plan in the landfill FS reports includes a section describing the corrective action procedures if leachate is detected in the lysimeters (Appendix E, Section E3.4 of the Site 2 FS report and Appendix C, Section C3.4 of the Sites 3, 5, and 17 FS reports). The presence of moisture within the lysimeter is not necessarily evidence of leachate generation. Chemical analysis of the samples is necessary to ascertain the composition of the fluids. Corrective actions may include resampling, increased frequency of monitoring, or installation of additional lysimeters. The specific corrective action will need to be evaluated at the time of monitoring.</p>
3. Is landfill settlement data available for each of the landfill sites? Was it used in the remedy evaluation and selection process?	<p>RESPONSE 3: No settlement data are available for the landfill sites. Due to age of the landfills, the majority of settlement of wastes is expected to have occurred under existing conditions (Site 2 became inactive in 1980; Site 3 became inactive in 1955; Site 5 became inactive in the late 1960's; Site 17 became inactive in 1983).</p> <p>Settlement was considered a significant geotechnical concern following capping because the capping materials will exert additional loads on wastes. Because of this concern, the Proposed Monitoring Plan presents the methods that would be used to monitor settlement (Appendix E, Section E5.1 of the Site 2 FS report and Appendix C, Section C5.1 of the Sites 3, 5, and 17 FS reports). These methods will include visual inspection and permanent settlement monuments that will be periodically surveyed.</p>
4. Alternative 3 in the Draft Final Proposed Plan involves onsite waste consolidation. Does DoN/USMC contemplate that any waste will be disposed of offsite in connection with the its proposed implementation of Alternative 3?	<p>RESPONSE 4: Onsite waste consolidation is considered part of the capping effort to minimize the footprint of the cap and to remediate areas of wastes scattered around the operational area of the landfills. All capping alternatives include a consolidation component. Off-site disposal of wastes encountered during consolidation work is considered appropriate for wastes characterized as hazardous wastes. The amount of wastes for off-site disposal as hazardous wastes is assumed to be a small portion of the total wastes to be consolidated.</p>

RESPONSE TO QUESTIONS
EL TORO LOCAL REDEVELOPMENT AUTHORITY
DRAFT FINAL PROPOSED PLAN FOR OU-2B AND -C LANDFILL SITES
MCAS EL TORO, CALIFORNIA

	Exact quantities could not be known until characterization after the material has been collected for consolidation. Consolidation and off-site disposal is discussed in Section 3.5.1.7 of the Sites 2, 3, 5, and 17 FS reports.
5. Alternative 3 involves the use of onsite soils to create the monolithic soil cover. The proposed onsite borrow location for these soils is a hill located between Sites 2 and 17. Site 3 Feasibility Study, p. 4-8.	RESPONSE 5: The proposed borrow source between Sites 2 and 17 consists of marine siltstones and sandstones of the Topanga Formation. These fine-grained materials are a very good local source of soils that can be used as clean cover soils, saving time and costs for transporting the large quantities of clean soil needed for the covers.
a) The County understands that one sample was collected and tested from this borrow site. Site 3 Feasibility Study, p. 4-8. Has DoN/USMC collected and tested other samples from the proposed borrow location?	RESPONSE 5a: One soil sample collected from geologic formations near the proposed borrow source was used to assess geotechnical characteristics of the proposed soil cover. The FS reports in the description of Alternative 3 in Section 4 state that additional soil samples will be collected from the borrow source and assessed for geotechnical characteristics prior to the detail design of the covers. Since the FS report was issued, additional geotechnical soil samples were collected from the proposed borrow source and are currently being evaluated.
b) The area in which the proposed borrow site is located provides habitat for a protected species (the gnatcatcher). Site 2 Remedial Investigation, p. 1-14; Site 17 Remedial Investigation, p. 1-14. Does the existing use of the area impact the proposed excavation and transfer of soils to the landfill sites?	<p>RESPONSE 5b: The Marine Corps/ Navy submitted to the United States Fish and Wildlife Service (USFWS) a biological assessment describing anticipated impacts to sensitive coastal sage scrub vegetation habitat for the federally-threatened California gnatcatcher at Sites 2 & 17 during implementation of the CERCLA time-critical removal actions in early 1997. The USFWS responded with a biological opinion dated June 12, 1997 that addressed conditions for conducting the time-critical removal actions and requirements for mitigation of impacts to protected habitat.</p> <p>The Navy's letter to the USFWS dated 7 October 1997 indicates that disturbances to habitat areas at and near Sites 2 & 17 will continue until the construction of the final remedy is completed.. Impacts to habitat will include complete destruction directly above the landfills to allow construction of the covers, disturbance of the borrow source area and noise. Grading and revegetation of the proposed borrow sources area with coastal sage scrub are proposed after borrow operations are completed. The landfill closure projects will include mitigation measures for all impacts, as discussed with the USFWS, and are the responsibility of the DoN.</p>

**RESPONSE TO QUESTIONS
EL TORO LOCAL REDEVELOPMENT AUTHORITY
DRAFT FINAL PROPOSED PLAN FOR OU-2B AND -C LANDFILL SITES
MCAS EL TORO, CALIFORNIA**

	<p>The area at the proposed borrow source provides a marginal habitat for the California gnatcatcher. The vegetation of the area is primarily annual grasses and other non-native plants which is not the primary habitat (coastal sage scrub) for the California gnatcatcher.</p> <p>Aerial photographs from the early 1980s show that the proposed borrow area was heavily disturbed by grading which was used to reduce the height of the hill in this area.</p> <p>The DoN will continue to work with the USFWS during the development and implementation of the mitigation and revegetation plans, and these plans will be developed concurrently with the development of the design for the final remedy.</p>
<p>6. Alternative 3 includes planting of vegetation (grass) on the landfill cap. Will the vegetation remain green during the summertime on the landfill? Does DoN/USMC contemplate that irrigation will be needed to establish the vegetation? If yes, what amount of irrigation does DoN/USMC contemplate will be needed?</p>	<p>RESPONSE 6: No irrigation is proposed to maintain green grass during the summer. A temporary irrigation system may be used to establish the grasses by applying minimal water which is likely to be 15 minutes of irrigation per day for 2 to 3 weeks.</p>
<p>7. Alternative 3 does not include the installation of a gas extraction system. This proposal apparently is supported by at least two sampling events. Site 3 Remedial Investigation, p. 4-20. Is there other gas sampling data available for the landfill sites? Was gas monitoring conducted in the vadose zone? Was gas sampling conducted on top of the existing cover?</p>	<p>RESPONSE 7: Based on the soil gas data previously collected at the landfill sites, which is summarized below, all members of the BRAC Cleanup Team (BCT) concurred that gas extraction was not a required component of any of the alternatives presented in the Feasibility Study for each landfill and the Proposed Plan.</p> <p>Sections 4.2 of the four landfill RI reports discuss the results of air emission and soil gas sampling conducted at the four landfills. This sampling included instantaneous air samples, integrated air samples, ambient air samples, isolation flux chamber samples, shallow soil gas samples, perimeter soil gas samples, and deep soil gas samples. The instantaneous, integrated and ambient air samples documented the emissions from the landfill in the atmosphere and the isolation flux chamber samples documented the emissions from the surface of the landfills sites. The shallow soil gas samples documented the existing soil gas conditions in the landfill mass. The perimeter soil gas samples documented the soil gas conditions in the vadose zone outside of the landfill mass at three different depths. The deep soil gas samples were collected from soil gas probes attached to the lysimeters</p>

**RESPONSE TO QUESTIONS
EL TORO LOCAL REDEVELOPMENT AUTHORITY
DRAFT FINAL PROPOSED PLAN FOR OU-2B AND -C LANDFILL SITES
MCAS EL TORO, CALIFORNIA**

	<p>approximately 90 feet below the surface to document soil gas conditions in the deeper vadose zone beneath the landfill mass. Most of these air and soil gas samples and analyses performed are stipulated in landfill regulations. In addition to these stipulated samples and analyses, isolation flux chambers and deep soil gas samples were collected. Based on the results of this sampling effort, no landfill gas controls were recommended for the final remedy.</p> <p>In addition, the Proposed Monitoring Plan in the four FS reports recommends continued soil gas monitoring as part of the final remedy and presents corrective actions for conditions when soil gas results increase over the monitoring period. Soil gas monitoring will be performed at the perimeter soil gas probe network that will be installed during final remedy construction.</p>
8. Alternative 3 does not include monitoring of gas emissions through the proposed cover of the landfill. What is the rationale for this proposal?	<p>RESPONSE 8: Alternative 3 does not include monitoring of soil gas through the cover for two reasons. First, no or very low concentrations of soil gas were detected in the landfill mass and in the surface isolation flux chamber samples. Any low concentrations of soil gas that would be emitted through the cover would quickly diffuse in the atmosphere. Second, soil gas diffusion will also occur laterally with a cover which will be monitored by perimeter soil gas probes.</p>
9. What EPA or DTSC guidance documents or policies did DoN/USMC use to develop its estimate of costs associated with Alternative 3? What monitoring frequency was used to develop cost estimate for post-closure monitoring associated with Alternative 3?	<p>RESPONSE 9: The methods used to develop cost estimates for the alternatives presented in the FS reports are discussed in Appendix H in the Site 2 FS report, Appendix F in the Site 3 FS report, and Appendix E in the Sites 5 and 17 FS reports. As indicated in these appendices, the U.S. EPA procedures for cost estimating were used. These appendices also present the procedures used to determine indirect costs. The costs for monitoring were developed from the requirements presented in the Proposed Monitoring Plans which are attached as Appendices in the FS reports.</p>
10. In the Feasibility Studies for Site 3 and Site 5, DoN/USMC states that “[a] preferred alternative is not presented because that selection will be based on risk-management decisions, which will occur following review of this document by regulatory agencies and the public.” Site 3 Feasibility Study, p. 7-1; Site 5 Feasibility Study, p. 7-1.	

RESPONSE TO QUESTIONS
EL TORO LOCAL REDEVELOPMENT AUTHORITY
DRAFT FINAL PROPOSED PLAN FOR OU-2B AND -C LANDFILL SITES
MCAS EL TORO, CALIFORNIA

a) What does DoN/USMC mean by "risk management decisions"?	RESPONSE 10a: Risk management decisions are the decisions made by DoN decisionmakers based upon CERCLA, the NCP and the administrative record (including but not limited to the FS reports, Proposed Plan and public comments) as documented in a Record of Decision (ROD).
b) Who does DoN/USMC expect to make such risk management decisions?	RESPONSE 10b: The DoN/USMC with input from the BCT will make the risk management decisions during the selection of the final remedy to be presented in the Record of Decision.
c) What risk management decisions, if any, have been made by DoN/USMC for sites 2, 3, 5 and 17?	RESPONSE 10c: No final risk management decisions or selection of final remedies have been made and will not be made until the Record of Decision is signed by the DoN/USMC and BCT members.
11. Portions of Site 3 presently are capped with asphalt and/or concrete. Site 3 Feasibility Study, p. 4-7. What does DoN/USMC contemplate doing with these capped areas?	RESPONSE 11: The asphalt and concrete material at Site 3 has resulted from development of that area of the base since operational closure of the landfill. This material is not considered capping, with the exception of the concrete pad discussed below, and were considered in the FS reports.
a) Does DoN/USMC propose to remove the asphalt and/or concrete? If so, how would the materials be managed following removal? If so, does DoN/USMC intend to install the monolithic soil cover over the previously capped portions of Site 3? If so, does the cost estimate for Alternative 3 include the removal and management of the asphalt and/or concrete?	RESPONSE 11a: The portions of Site 3 which are currently covered by asphalt will be removed so that an engineered backfill can be placed in the area as part of the landfill cover. The concrete pad on the east side of Agua Chinon Wash will be left in place because this structure was engineered as part of the environmental restoration staging facility at the site in the early 1990s. Any removed pavement would likely be disposed off-site or recycled on-site. Demolition of the environmental restoration facility to the west of Agua Chinon Wash and the asphalt pavement were included in the cost estimate for all capping alternatives at Site 3.
b) If DoN/USMC does not propose to remove the asphalt and/or concrete, will the existing cap be retained as part of the final cover for Site 3? If so, are design specifications available for the existing capped areas? If so, does DoN/USMC contemplate that such areas could be used for parking, light load storage or other uses?	RESPONSE 11b: The FS report assumed removal of all asphalt and concrete material, with the exception of the concrete pad currently being utilized as a biological treatment cell for hydrocarbon impacted soil (east side of Agua Chinon wash). This pad was constructed for the Installation Restoration program, and was designed to prevent any infiltration, and contains a drainage system. Design details for this structure are available. This concrete structure will be incorporated into the cover, and would be compatible with the types of reuses listed.

**RESPONSE TO QUESTIONS
EL TORO LOCAL REDEVELOPMENT AUTHORITY
DRAFT FINAL PROPOSED PLAN FOR OU-2B AND -C LANDFILL SITES
MCAS EL TORO, CALIFORNIA**

	<p>The DoN does contemplate that the Site 3 area could be utilized for parking and light load storage; however, no details exist regarding reuse specifics, and for this reason, all alternatives do not allow for this type of development. As stated in the FS report for Site 3 (p. 3-33), the land use restrictions outlined in the FS report are required to maintain the integrity of the remedial action. Implementation of restricted land uses is possible, and is contingent upon approval of the DoN and FFA signatories. Future landowners or users will have to submit a written request to the DoN and regulatory agencies to undertake restricted uses, and shall be liable for the cost of any additional remedial action required to facilitate such restricted uses (Enclosure – DoD come back policy?). Modification to the final remedy is predicated here on the assumption it would be approved by the DoN and regulatory agencies because it would remain protective of human health and the environment.</p>
12. What is the design rationale for the 2% grade of the monolithic soil cover proposed as part of Alternative 3? Site 3 Feasibility Study, p. 4-7.	<p>RESPONSE 12: The 2% grade for the final grade of the landfill cover at Site 3 was considered the minimal grade to provide surface drainage and minimize elevation changes across the site due to its relatively flat configuration.</p>
13. DoN/USMC indicates that the Agua Chinon wash will not be lined. Site 3 Feasibility Study, p. 4-11. Does DoN/USMC believe that infiltration of water from the Aqua Chinon wash to the landfilled waste will occur? If so, what impacts, if any, does DoN/USMC anticipate from such infiltration?	<p>RESPONSE 13: Infiltration of water from Agua Chinon wash into the landfill is not expected at Site 3 because the landfill wastes are higher in elevation than the streambed or typical flood levels in Agua Chinon Wash. Also, any water in the wash usually runs off quickly leaving a relatively dry streambed which minimizes any stream bank infiltration.</p>
14. DoN/USMC indicates in the Feasibility Study for Site 5 that “[s]everal alternatives will accommodate heavy irrigation associated with irrigated portions of a typical golf course and still allow minimal infiltration into landfill materials.” Site 5 Feasibility Study, p. ES-10.	<p>RESPONSE 14:</p> <p>The FS report for Site 5 presents an analysis of the infiltration of Alternative 3 and the four options for Alternative 4 in Appendix D. A mean annual precipitation of 13.5 inches/year and a combined annual rainfall and irrigation rate of 44 inches/year were used in the computer model of infiltration for these alternatives. Table D-12 presents the findings of this analyses.</p> <p>The discussion in the Executive Summary is based on the analysis in Appendix D, and refers to a comparison of infiltration rates of various alternatives against the base case of no action. The assumption is that the DoN will not irrigate after implementation of any alternative, and that a future request to irrigate may be proposed, if the future landowner decides, based on a business decision, that reuse could not be planned to exclude such restricted use.</p>

**RESPONSE TO QUESTIONS
EL TORO LOCAL REDEVELOPMENT AUTHORITY
DRAFT FINAL PROPOSED PLAN FOR OU-2B AND -C LANDFILL SITES
MCAS EL TORO, CALIFORNIA**

a) Is Alternative 3 one which would allow for heavy irrigation of Site 5 in the future?	RESPONSE 14a: No. Irrigation on the surface of the landfill is prohibited under all alternatives.
b) Is Alternative 4D one which would allow for heavy irrigation of Site 5 in the future?	RESPONSE 14b: No. Irrigation on the surface of the landfill is prohibited under all alternatives; however, if this restricted use were proposed in the future, those issues discussed in RESPONSE 15a would be applicable.
c) Would the analysis of the impact of irrigation on remedial alternatives be similar for Site 3?	RESPONSE 14c: No analyses of irrigation infiltration was completed for Site 3. However, non-irrigated and irrigated scenarios at Site 3 would likely be similar in magnitude to the findings at Site 5.
<p>15. DoN/USMC indicates that:</p> <p>A key consideration in identifying and evaluating potential institutional controls of a remedial action is planned or anticipated future use of the property. According to the Community Reuse Plan for MCAS El Toro ["CRP"], the preferred redevelopment option for the Station is a major commercial airport. This option includes potential future uses for various zones of Station Property. Sites 2 and 17 are located in an area designated as a habitat reserve. Site 3 is located in a zone designed for commercial and light industrial uses. Site 5 is located in zone designated for recreation (golf).</p>	
<p>Draft Final Proposed Plan, p. 13.</p> <p>a) What types of uses does DoN/USMC contemplate can occur at each of Sites 3 and 5 if Alternative 3 (including proposed institutional controls) is implemented?</p>	<p>RESPONSE 15a: Any uses at the site can occur that do not conflict with the land use restrictions that are included in the CERCLA ROD and implementing documents (e.g., transfer documents). The proposed land use restrictions for Alternative 3 are intended to protect human health and the environment and protect the remedy (included in the Site 3 FS, p.3-29 to 3-34 , and the Site 5 FS, p. 3-30 to 3-32). The land use restrictions for all alternatives are essentially the same.</p> <p>The proposed use restrictions are a combination of general risk-based use prohibitions (e.g., no use of sites for "residential purposes or day care centers for children") and more general prohibited conduct intended to preserve the integrity of the remedy (e.g., no excavation, vegetation, irrigation without prior approval of DoN and the FFA signatories). The DoN did not develop a comprehensive list of all possible uses that may occur for any of the sites in the</p>

**RESPONSE TO QUESTIONS
EL TORO LOCAL REDEVELOPMENT AUTHORITY
DRAFT FINAL PROPOSED PLAN FOR OU-2B AND -C LANDFILL SITES
MCAS EL TORO, CALIFORNIA**

	<p>IR program.</p> <p>After issuance of the ROD, it is possible to propose a restricted use, although it might be necessary to conduct additional remedial actions. As stated in the feasibility study reports for Sites 3 & 5, future landowners or users will have to submit a written request to the DoN and regulatory agencies to undertake restricted uses, and shall be liable for the cost of any additional remedial action required to facilitate such restricted uses (Enclosure – DoD Policy Memorandum “Responsibility for Additional Environmental Cleanup after Transfer of Real Property”, dated July 25, 1997).</p> <p>The FFA provides for continued oversight of implementation and enforcement of remedial action by the FFA signatories. The specific procedures that will be required for notification and approval of future land use changes that conflict with the use restrictions have not yet been developed. DoN, USEPA and the State of California are currently developing policy and procedures for addressing requests for land use changes. However, it is likely that major changes will require ROD amendments and minor land use changes might be addressed in less formal procedures. These issues will be addressed as the remedy selection process for the landfills moves forward.</p>
b) What types of uses does DoN/USMC contemplate can occur in the immediate vicinity of each of Sites 3 and 5 if Alternative 3 (including proposed institutional controls) is implemented?	RESPONSE 15b: Uses that do not compromise the use restrictions can occur in the vicinity of the landfill. More specifically, uses that do not involve potential adverse effect on the remedy or interfere with DoN access for monitoring and maintenance. See RESPONSE 16a . In addition, see RESPONSE 15a for discussion of procedural issues.
c) Does DoN/USMC believe that Alternative 3 would need to be modified in order to accommodate any of these contemplated uses? If so, which uses would require modification of proposed Alternative 3? At whose expense would such modifications be undertaken?	RESPONSE 15c: Uses that do not conflict with Alternative 3 institutional controls (as explained in RESPONSE 15a and 15b above) are by definition consistent with Alternative 3. For cost modifications see RESPONSE 15a .
16. DoN/USMC indicates that Future landowners or users of Sites 2, 3, 5 and 17 shall be prohibited	

RESPONSE TO QUESTIONS
EL TORO LOCAL REDEVELOPMENT AUTHORITY
DRAFT FINAL PROPOSED PLAN FOR OU-2B AND -C LANDFILL SITES
MCAS EL TORO, CALIFORNIA

<p>from conducting the following activities without the prior approval of DoN and the Federal Facility Agreement signatories...</p> <p>Performing any activity (such as excavation or construction) on the landfills or on adjacent parcels or properties that will adversely impact the cap and monitoring systems or affect the drainage and erosion controls developed for the cap;</p>	
<p>Draft Final Proposed Plan, p. 13</p> <p>a) What "adjacent parcels" does DoN/USMC intend to encumber with this and any other proposed institutional control(s)? Can DoN/USMC identify the serial scope of the contemplated institutional control(s) on plot plans of each of Sites 3 and 5? How will the imposition of such prohibitions affect the ability of the County or other person/entity from developing property adjacent to Sites 3 and 5?</p>	<p>RESPONSE 16a: All adjacent parcels will be encumbered to the extent necessary to protect the remedy and provide access for DoN and its representatives for purposes of monitoring and maintenance. We have not developed maps delineating the boundaries of the restrictions as this detail will be addressed after issuance of the ROD.</p> <p>The general aerial coverage of the restrictions is likely to be somewhat broad to ensure coverage of larger projects which could impact the remedy from a distance. A primary adverse impact of concern from adjacent parcel development would be the introduction of surface water runoff onto the landfill sites. This would conflict with the use restriction prohibiting activities that could adversely affect the cap. A large development project could affect the remedy from a distance if drainage water is routed directly at the landfill creating potential for erosion of the cap. However, careful design of development projects should avoid problems in complying with the restriction. If use restrictions are complied with, development may proceed.</p> <p>All adjacent parcels that include monitoring components of the remedy such as groundwater wells landfill gas monitoring wells or lysimeters will require access to the DoN or its representatives to perform periodic monitoring and inspections throughout the life of the remedy.</p> <p>In addition, there will be procedures for proposing restricted uses subject to approval as noted in RESPONSE 15a.</p>
<p>b) What is the practical impact of not allowing disturbances of monitoring systems on land uses around the landfills? Can wells or probe heads be modified to accommodate various land uses around the landfill?</p>	<p>RESPONSE 16b: The practical impact can be minimal because future development projects are expected to be designed around the constraints to avoid impacting remedial components or blocking necessary access (Enclosure – DoD Policy Memorandum "Responsibility for Additional Environmental Cleanup after Transfer of Real Property", dated July 25, 1997). The integrity of DoN's remedy will be maintained along with the development</p>

**RESPONSE TO QUESTIONS
EL TORO LOCAL REDEVELOPMENT AUTHORITY
DRAFT FINAL PROPOSED PLAN FOR OU-2B AND -C LANDFILL SITES
MCAS EL TORO, CALIFORNIA**

	<p>of adjacent parcels.</p> <p>Yes. The surface completions of monitoring devices can be modified if consistent with the CERCLA ROD and remedy. See discussion of proposed changes in land use in RESPONSE 15a above.</p>
17. What is the precise language of the proposed institutional controls that have been or are being contemplated by DoN/USMC? If such language has not been prepared by DoN/USMC for Sites 2, 3, 5 and 17, can DoN/USMC provide to the County an example(s) of specific language used for landfill sites at other closing military installations?	RESPONSE 17: The precise institutional controls language has not been developed. We will consult with other Military Installations and forward any language developed at a future date. It is important to note language is typically developed on a site specific basis in transfer documents (deeds and leases) after issuance of a CERCLA ROD.
18. DoN/USMC indicates in the Draft Final Proposed Plan that institutional controls similar to Alternative 3 would be imposed if other remedial options (e.g., Alternatives 4, 5, or 6) were selected for Sites 2, 3, 5, and/or 17. Draft Final Proposed Plan, pp. 8-9. Does DoN/USMC contemplate any specific change in institutional controls should a remedial option other than Alternative 3 be selected for any of the landfill sites?	<p>RESPONSE 18: No. The institutional controls identified in the Final Proposed Plan for Alternative 3 are consistently applied across all alternatives. The institutional controls are essentially the same for all alternatives.</p> <p>We do not anticipate any specific changes in the institutional controls should a remedial option other than Alternative 3 be selected. For changes in institutional controls after the ROD see RESPONSE 15a.</p>
19. Under what conditions, if any, would DoN/USMC contemplate allowing activities to occur at Sites 3 and 5 that would otherwise be prohibited by the proposed institutional controls?	RESPONSE 19: Please see RESPONSE 15a .
a) What administrative procedures, if any, does DoN/USMC believe would be necessary to document the review and approval of such activities by DoN/USMC and other signatories to the relevant Federal Facilities Agreement?	RESPONSE 19a: Please see RESPONSE 15a .
b) What information, if any, does DoN/USMC contemplate would be required in order to obtain permission to conduct such activities?	RESPONSE 19b: Please see RESPONSE 15a .
20. If DoN/USMC approved an activity otherwise prohibited by one or more of the institutional controls, would it continue to conduct remediation activities at the sites (e.g., ongoing operations and maintenance; monitoring activities; etc.)? Would it continue to ensure the adequacy of the implemented remedy to address the identified adverse environmental conditions at the sites?	RESPONSE 20: The answer to this question depends upon specific facts of specific situations. The Department of Defense general policy for the issue raised is set forth in the July 25, 1997 policy memorandum titled "Responsibility for Additional Environmental Cleanup after Transfer of Real Property". That policy provides that where additional remedial action is required only to facilitate a use prohibited by a deed restriction or other appropriate institutional control, DoD will neither perform nor pay for such

**RESPONSE TO QUESTIONS
EL TORO LOCAL REDEVELOPMENT AUTHORITY
DRAFT FINAL PROPOSED PLAN FOR OU-2B AND -C LANDFILL SITES
MCAS EL TORO, CALIFORNIA**

	additional remedial action. This policy does not specifically address the scenario where only a portion of a remedy is changed to accommodate a new use. Such scenarios will be addressed on a case by case basis considering such issues as the significance in the change in use and the extent of change in the remedy.
21. Can DoN/USMC provide to the County any examples of landfill sites at closing military installation at which (a) institutional controls have been developed and implemented, and (b) subsequent owners, operations or other users have been given permission to conduct activities otherwise prohibited by such institutional controls?	RESPONSE 21: We continue to research this issue and have not found any examples yet. We will advise the LRA of the results of our research.
22. DoN/USMC indicates that State of California representative on the MCAS El Toro Base Realignment and Closure Team concur with the Marine Corps's preferred remedy. Final Draft Proposed Plan at 17. Does this remain DoN/USMC's position? If not, how would DoN/USMC modify its comparative assessment of remedial alternatives set forth in the Final Draft Proposed Plan?	RESPONSE 22: The DoN plans to state in the Final Proposed Plan that the Department of Toxic Substances Control has concerns about the selection of an alternative that may impact reuse, and that the DoN is continuing to work with the Department of Toxic Substances Control to resolve their concerns. The Regional Water Quality Control Board supports Alternative 3 as the preferred alternative.
23. Prior to publication, does DoN/USMC intend to assign values to the "community acceptance" component of the comparative analysis of remedial alternatives presented in the final Draft Proposed Plan? If yes, what values does DoN/USMC intend to assign to the various remedial alternatives?	RESPONSE 23: No. EPA guidance indicates that under the Community Acceptance criterion, an alternative is evaluated in terms of the issues and concerns the public may have. As with state acceptance, this is a criterion that is addressed in the ROD once comments have been formally received. It also states that to the extent they are known, community concerns are considered early in the process. Community concerns regarding landfill issues have been addressed extensively during the past several years of MCAS El Toro Restoration Advisory Board meetings.